

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



December 15, 1987

ALL COUNTY INFORMATION NOTICE NO. 1-114-87

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: SB 1219, SB 243 AND SB 834

The purpose of this All County Information Notice is to provide information regarding three related bills affecting child welfare services (CWS), SB 1219, SB 243 and SB 834, which have been chaptered and become effective January 1, 1988.

Chapter 1122, Statutes of 1986 (SB 1195) established a Task Force that was charged to review interrelationships between statutes relating to child abuse reporting, dependent children and child welfare services in order to make recommendations regarding statutory changes to the Legislature. These three legislative measures are the product of the SB 1195 Task Force and were developed as a package to address issues which were raised in the course of the work of the Task Force.

SB 1219 (Chapter 1459, Statutes of 1987) primarily addresses the Child Abuse Reporting Law (CARL) and the impact of reporting on the delivery of CWS. The overall purpose of the bill was to reorganize, simplify and consolidate the CARL to make it easier to read and understand. As a result, portions of the CARL have been renumbered and in some instances merged with other sections. Persons mandated to report and reporting duties remain essentially unchanged.

Of particular importance to County agencies providing CWS are amendments to Welfare and Institutions Code (WIC) Section 16501.1 and 16504 enacted by SB 1219. The amendments are twofold: first, responses must be made immediately to any report of imminent danger to a child and within ten days to any other report of abuse, neglect or exploitation; and second, for each referral, County CWS agencies may determine, based on an assessment as defined, whether or not an in-person response is appropriate. Statute defines an assessment as including collateral contacts, a review of previous referrals and other relevant information, as indicated.

SB 243 (Chapter 1485, Statutes of 1987) makes extensive changes to juvenile court dependency criteria and procedures described in WIC Section 300 et seq., as well as adding statute and procedures for termination of parental rights of dependents. Provisions of this act will become effective, in three phases, on January 1, 1988, January 1, 1989, and January 1, 1990. Criteria for declaring a child a dependent of the court are more specific than existing statute and will provide more direction to social workers, probation officers, law enforcement personnel and the courts in making decisions regarding circumstances when government intervention into family matters is necessary to protect children. The new criteria make specific the degree of risk or harm that must be present before protective government intervention is warranted and links the risk or harm to actions or inactions of the parents.

Other provisions of SB 243 make technical changes to the juvenile court dependency statutes; clarify some subdivisions to make provisions more specific; make changes regarding appointment of counsel; include provisions which are necessary for purposes of complying with Federal requirements; provide more specific criteria for notice regarding hearings to terminate parental rights; establish procedures for hearings in the juvenile court to terminate parental rights; establish procedures for the juvenile court to establish legal guardianship; add to procedural protections for parents and children; and place all custodial issues regarding dependent children under the authority of the juvenile court.

Effective January 1, 1988 WIC Section 206 will no longer mandate that children who are court dependents pursuant to WIC Section 300(c) be placed in secure facilities. Therefore, All County Information Notice I-72-87 becomes obsolete on January 1, 1988.

Particularly noteworthy are the SB 243 provisions which specify that all matters of custody related to dependent children are to be heard by the juvenile court. Effective January 1, 1989 the juvenile court, in specified circumstances, may order a hearing pursuant to new WIC Section 366.26. At the hearing conducted pursuant to Section 366.26 the court will make a permanent placement plan for the child which may include a juvenile court order for termination of parental rights, establishment of a guardianship or placement in long term foster care.

Simultaneously the provisions of Civil Code Section 232 will no longer apply to termination of parental rights procedures for the parents of dependents. It is anticipated that termination of parental rights by the juvenile court will result in permanent placement plans being implemented more quickly.

The bill also mandates that by January 1, 1989 the Health and Welfare Agency prepare recommendations for a new program for services to children who are served under current dependency statute but who might not continue to come within the jurisdiction of the juvenile court dependency system when final WIC Section 300 provisions of this act become effective January 1, 1990. The program recommended by the report is mandated to be implemented by January 1, 1990. The act also requires a report by the Legislative Analyst no later than January 1, 1992 on the effect of provisions of this act and mandates hearings prior to January 1, 1991 by the Senate Select Committee on Children and Youth to review the implementation of this act and its effectiveness in protecting children at risk of abuse and neglect.

Certain other sections of SB 243 also become effective over the two year phase-in period. The interrelationships of sections of SB 243 are such that it will be necessary for County agencies providing child welfare services to work closely with County Counsels to ensure timely implementation of required changes in dependency procedures. The State Department of Social Services (SDSS) intends to issue further notice to Counties alerting them to the phased-in changes to statute as they are about to take effect.

The primary purpose for the delayed January 1, 1989 effective date of the amended WIC Section 300 dependency provisions is so that CWS social worker training mandated in SB 834 may be provided before and during the transition over to new dependency guidelines. The training is considered by the SB 1195 Task Force to be a critical factor in implementing the desired changes.

SB 834 (Chapter 1310, Statutes of 1987) mandates SDSS to award a grant to a public or private nonprofit entity for the establishment of a statewide multipurpose child welfare training program. The purpose of the program is to develop and implement coordinated training programs designed to meet the needs of child

protective social workers in all child welfare services programs, adoption social workers, and agencies under contract with County Welfare Departments. In addition, training shall be provided to those persons mandated as child abuse reporters in Penal Code (PC) 11165 et seq. It is anticipated that among other benefits, this training will facilitate smooth implementation of the changes to juvenile court procedures and jurisdiction regarding dependent children as well as enhance the investigative skills of staff who investigate reports of child abuse to help minimize the occurrence of unwarranted intrusions by government into families. The act specifies that training of workers assigned Emergency Response responsibilities shall have first priority.

Questions regarding specific legal interpretation of SB 243 and the CARL provisions of SB 1219 should be addressed to County Counsel. For general policy issues or background regarding SB 243 and SB 1219, contact Mr. Ritch Hemstreet, Chief, Family and Children's Services Policy Bureau at 322-6333.

For questions related to the SB 834 CWS training program or the CWS provisions of SB 1219 contact your Adult and Family Services Operations consultant at (916) 445-0623 or ATSS 485-0623.



LOREN D. SUTER
Deputy Director
Adult and Family Services

cc: CWDA